



NIAGARA FALLS HYDRO

DIVISIONS OF:



NIAGARA PENINSULA ENERGY INC

RECEIVED

January 8, 2009

Ontario Energy Board
P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto, ON M4P 1E4

JAN 12 2009

ONTARIO ENERGY BD

Attention: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: **EB-2008-0199 – Niagara Falls**
EB-2008-0200 – Peninsula West
Affidavit regarding Notice of Application for an Electricity Distribution Rate Change

*last date of
Publication
Dec 3/08*

Per the Letter of Direction dated November 14, 2008, please find the enclosed affidavit statement providing evidence that:

- Publication of the Notice of Application was completed on November 21, 2008 in the Niagara Falls Review.
- Publication of the Notice of Application was completed on November 19, 2008 in The Grimsby Lincoln News.
- Publication of the Notice of Application was completed on December 3, 2008 in The Voice of Pelham.
- A copy of the application and evidence, and any amendments thereto, is available for public review at Niagara Peninsula Energy head office.
- A copy of the application and evidence will be made available to anyone requesting the material.

If you should have any questions regarding the enclosed, please feel free to contact our offices.

Sincerely,

M. Battista

Ms. Margaret Battista
Vice President, Customer Services & IT

Attach.

.cc Suzanne Wilson, Vice President, Finance

MB/mb

EB-2008-0199/0200

OFF BOARD SECRETARY	
File No:	Sub File: <i>6</i>
Panel	
Licensing	<i>Lawrence Guick</i>
Other	
00/04	



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John B. Hopkins
B.A. (Hons.), LL.B.

Affidavit Regarding Notice of Application with respect to the 2009
Incentive Regulation Mechanism (2009 IRM) Distribution Rate Application

**AFFIDAVIT REGARDING NOTICE OF APPLICATION FOR AN
ELECTRICITY DISTRIBUTION RATE CHANGE
NIAGARA PENINSULA ENERGY INC.
BOARD FILE NO. EB-2008-0199**

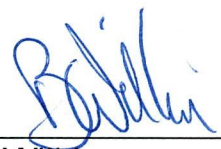
I, **BRIAN WILKIE**, of the City of Niagara Falls, in the Regional Municipality of Niagara,

MAKE OATH AND SAY:

1. I am the President of Niagara Peninsula Energy Inc. (the "Applicant") and as such have knowledge of the matters set out in this Affidavit.
2. As of the date of this Affidavit, the Applicant has completed its obligations pursuant to the *Ontario Energy Board Act, 1998* as outlined in the Letter of Direction dated November 14th, 2008 including:
 - a. Publication of the English version of the Notice of Application for an Electricity Distribution Rate Change in the Niagara Falls Review on November 21st, 2008. The Niagara Falls Review is a newspaper having the highest circulation in the service area, according to the best information available. Attached hereto and marked as **Exhibit "A"** to this my Affidavit is a true copy of the Notice published in the Niagara Falls Review.
 - b. Made a copy of the Application and evidence available for public review at Niagara Peninsula Energy's office and on its website.
 - c. Will make a copy of the Application and evidence, and any amendments thereto, available to any intervenor requesting the material.
3. This Affidavit is made with respect to the Application of Niagara Peninsula Energy Inc. for approval of its 2009 Distribution Rate.

SWORN before me at the City of)
Niagara Falls, in the Regional)
Municipality of Niagara this 11th)
day of December, 2008)


A Commissioner etc.



Brian Wilkie

This is Exhibit "A" to the Affidavit

of BRIAN WILKIE

SWORN before me at the City of

Niagara Falls this 11th day of December, 2008.


A Commission etc.

Man charged after assault, shots fired

By Review staff

A Niagara Falls man has been charged with weapon offences after an incident at an area hotel Thursday.

Police report that officers were at the scene during the early hours after receiving a 911 call for assistance and gunshot rounds being fired.

A female told police a man she knows fled after assaulting her and firing two rounds from a shotgun.

Authorities searched a hotel room and found an unloaded, double-barrel .410 gauge shotgun and ammunition.

Soon after, police located the suspect's vehicle at a family member's home within the city.

Officers contacted the residence and confirmed the suspect was in the home.

Just after 5 a.m., officers entered the residence and the suspect was taken into custody without incident.

Police say further investigation of the home led to the discovery of an unloaded .12 gauge shotgun, while a search of a vehicle uncovered a number of shotgun shells and two empty cartridges.

Charged with assault, careless use of a firearm, two counts of unsafe storage of a firearm and two counts of unsafe storage of ammunition is Eric Alvine Rogers, 30, of Niagara Falls.

Rogers was held in custody pending a bail hearing in St. Catharines today.

Mitten tree helps centre's clients

BY DON FRASER
Sun Media

ST. CATHARINES – It began as a mitten mystery six years ago.

Every holiday season, the Employment Help Centre had set up a Christmas tree in its office on Queenston Street. The fake evergreen was adorned with the usual ornaments and ribbons, like festive trees in countless offices.

Meanwhile, staff noticed how money woes piled up for job-seeking clients during the holiday season. Some had no cash for presents. Others couldn't even afford basic winter clothing.

"Maybe they'd lost their gloves or a scarf and now suddenly winter's here," said Vicky Gough, a placement officer at the non-profit St. Catharines agency.

"We'd see them come in here, hunched over freezing, their hands in their pockets," she said.

"They'd sooner put food on the table for their kids than go and get a scarf, or mitts."

One day, some woolly Christmas tree decorations arrived from an anonymous staff member.

Workers and clients noticed branches adorned

with home-knitted mitts and scarves of different sizes.

Eventually, more were added, with the understanding that people in need could take them.

Items disappeared, but the tree was always replenished.

"It just spontaneously happened," said Gough.

"It's a yearly thing now. The tree goes up and our social committee says it's time to start knitting those scarves and mitts – and they sure do."

"Just about everyone here also does other different things to help their clients," she added. "They aren't told to do this, they just do it."

Now, as the Canadian economy sinks, jobs losses accelerate and the holiday season approaches, the tree is more important than ever.

"This year we're seeing a lot more people in need who are using our services," Gough said. "Our clients are also now wanting to contribute themselves."

The mitten-tree concept has expanded, with food, toiletries, videos and toys quietly placed under the plastic needles.

Debbie Maloney, a receptionist at the centre, said clients "absolutely love the tree."

Ambitious plan for Fort Erie

PLANNING, from A3

That could be purchased to protect valuable waterfront land from private development. The property could be redeveloped to accommodate a variety of outdoor recreational uses, such as an open-air skating rink;

■ A non-profit or government agency should be encouraged to purchase the former Mentholatum building on Lewis Street to protect the historic structure. Built in 1905, the former lip-balm factory could be used as a community centre of sorts, providing space for social service agencies

and clubs;

■ The former Horton CBI property at Gilmore Road and Central Avenue should be redeveloped for residential use in a move that could add 1,000 to 1,500 people to the neighbourhood;

■ Replacing the Central Avenue bridge at an estimated cost of \$4 million, and the Thompson Road train overpass near Bowen Road for roughly \$6 million.

The plan has yet to be debated or adopted by council. To take a closer look at it, visit www.town.forterie.ca

rspiteri@nfreview.com

niagarafallsreview.ca

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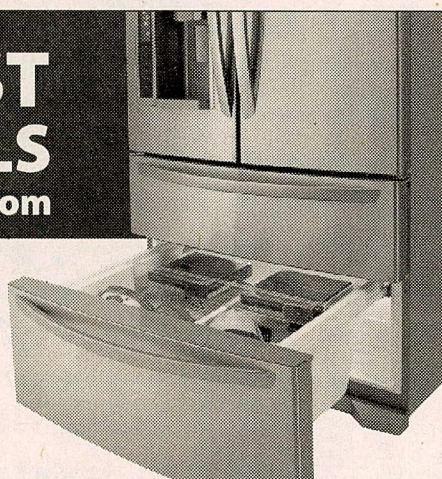
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1882 Niagara Stone Rd., P.O. Box 10, Virgil, L0S 1T0

Ontario Energy
Board

Commission de l'énergie
de l'Ontario



EB-2008-0199

NOTICE OF APPLICATION AND WRITTEN HEARING FOR AN ELECTRICITY DISTRIBUTION RATE CHANGE

Niagara Peninsula Energy Inc. – Niagara Falls

The Ontario Energy Board has received an application on November 5, 2008 under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15 (Schedule B), seeking approval for changes to the rates that Niagara Peninsula Energy Inc. – Niagara Falls ("Niagara Peninsula Energy – Niagara Falls") charges for electricity distribution, to be effective May 1, 2009. The Board has assigned the application file number EB-2008-0199. The Board's decision on this application may have an effect on all of Niagara Peninsula Energy - Niagara Falls' customers. The application was filed under the Board's guidelines for 2nd Generation Incentive Regulation, which provides for a mechanistic and formulaic adjustment to rates between cost of service applications.

Any change to the rates that Niagara Peninsula Energy - Niagara Falls charges for electricity distribution will be reflected in the delivery charges. Delivery charges are one of four regular items on residential and general service customers' electricity bills and vary depending on the amount of electricity consumed.

Niagara Peninsula Energy - Niagara Falls indicates that if the application is approved as filed, a residential customer consuming 1,000 kWh per month would experience an approximate 1.4% increase in their delivery charges. This is a \$0.57 increase per month on their bill. A small general service customer consuming 2,000 kWh per month and having a monthly demand of 50 kW or lower would experience an approximate 0.5% increase in their delivery charges. This is a \$0.44 increase per month on their bill.

How to see Niagara Peninsula Energy - Niagara Falls' Application

Copies of the application are available for inspection at the Board's office in Toronto and on its website, www.oeb.gov.on.ca, and at Niagara Peninsula Energy - Niagara Falls' office and may be on its website.

How to Participate in the Rate Proceeding

The Board intends to proceed with Niagara Peninsula Energy - Niagara Falls' rate change application by way of written hearing unless a party satisfies the Board that there is good reason for holding an oral hearing. If you object to a written hearing in this matter, you must provide written reasons why an oral hearing is necessary. Any objections to a written hearing must be received by the Board and copied to the applicant at the addresses below no later than December 5, 2008. The Board will not be awarding costs in this matter.

Anyone who wishes information and material from the applicant that is in addition to the evidence filed with the Board and that is relevant to the hearing, shall request it by written interrogatories filed with the Board and delivered to the applicant on or before December 19, 2008. The applicant shall file with the Board complete responses to the interrogatories and deliver them to all parties who asked interrogatories no later than January 5, 2009.

Anyone who wishes to make a submission on the application must file that written submission with the Board and deliver it to the applicant by January 19, 2009. If the applicant wishes to respond to the submission(s), the written response must be filed with the Board and delivered to all parties who made submissions by February 2, 2009.

How to File Documents with the Board

If you already have a user ID, please submit your interrogatories or submission through the Board's web portal at www.errr.oeb.gov.on.ca. Additionally, two paper copies are required. If you do not have a user ID, please visit the Board's website under e-filings and fill out a user ID password request. For instructions on how to file and naming conventions, please refer to the RESS Document Guidelines found at www.oeb.gov.on.ca, e-Filing Services. Those who do not have internet access are asked to submit their interrogatories or submission on a CD or diskette in PDF format, along with two paper copies. You may also send your submission by post or e-mail to the addresses below.

In responding to this Notice, please include Board file number EB-2008-0199 in the subject line of your e-mail or at the top of your document. It is also important that you provide your name, postal address and telephone number and, if available, an e-mail address and fax number. All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

Need More Information?

Further information on how to participate may be obtained by visiting the Board's website at www.oeb.gov.on.ca or by calling our Consumer Relations Centre at 1-877-632-2727.

IMPORTANT

IF YOU DO NOT FILE AN OBJECTION TO A WRITTEN HEARING OR DO NOT PARTICIPATE IN THE PROCEEDING IN ACCORDANCE WITH THIS NOTICE, THE BOARD MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO FURTHER NOTICE IN THIS PROCEEDING.

Addresses

The Board:

Post:
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4

Attention: Board Secretary

Filings: www.errr.oeb.gov.on.ca
E-mail: Boardsec@oeb.gov.on.ca

Tel: 1-888-632-6273 (toll free)
Fax: 416-440-7656

The Applicant:

Niagara Peninsula Energy Inc.
7447 Pin Oak Drive
Niagara Falls ON L2E 6S9

DATED at Toronto, November 14, 2008

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

Agriculture union uncertainty

Farming experts unsure what impact recent court ruling will have on industry

BY KARENA WALTER
Sun Media

ST. CATHARINES – Peach grower Kai Wiens doesn't know how a court ruling allowing agricultural workers to unionize will influence life down on the farm.

But he can't imagine how his relationship with 20 or so Jamaican employees could get any better, with or without collective bargaining. Some of the workers have been with him in Niagara-on-the-Lake for 15 seasons – one man since the 1970s.

"I have a great relationship with my employees, so I'm not worried about my off-shore (workers)," said Wiens, who receives cards from former workers with updates on their families.

Wiens said he encourages his workers, who come to Niagara for six months a year, to talk about problems with him. They live in a bright, large home while they are here.

"I can't afford \$35 an hour, but I can

make their lives better," he said.

Wiens may be accommodating, but the union involved in the legal case that led to the Ontario Court of Appeal ruling Monday said not all employers are. The court found the Agricultural Employees Protection Act that bars farm workers from unionizing is unconstitutional.

Stan Raper, co-ordinator of the Agricultural Workers Alliance, predicts there will be a lot of interest from workers in the province to organize.

"Why wouldn't Ontario workers or foreign workers say, 'Hey, there's things that need to be done and we would like to address them?'" he asked.

The alliance, part of the United Food

and Commercial Workers Union Canada, runs a support centre for workers in Virgil.

Raper said agricultural workers in Niagara have problems with housing, wages, benefits and serious accidents.

One of the biggest issues across Ontario is repatriations without just cause under the seasonal agricultural worker program, he said, adding he doesn't know of any grievance procedures at farms.

"You either ship up to what the owner of the farm wants, or the foreman of the farm wants, or hit the road."

Larger corporate farms with workers in piece-rate systems are some of the biggest culprits, he said.

But Len Troup, chair of the Ontario Tender Fruit Marketing Board, said removing the unionizing prohibition could put farms in jeopardy.

Troup said the act prohibits allowing workers to unionize because in the

event of a strike, an entire harvest could be ruined.

Unlike most other industries, agriculture has a narrow window of product perishability and is highly labour-intensive.

"If you have a crop that can't be harvested, it could cost you a fortune," he said.

Troup said employers aren't trying to be hard on employees. Seasonal workers are paid minimum wage or more, like Canadian workers. They also have benefits and are provided housing.

Labour makes up 60 per cent of the cost of running farms, he said.

"From our point of view, we're depending on labour. We need those people and we need to work with them," he said.

He said strikes could cost irreparable losses.

"We need a lot of people, and we need them there that day. Timeliness is critical."

Those in the agricultural industry say farms are already under economic restraints and this is just one more worry to deal with.

Albert Witteveen, president of the Niagara North Federation of Agriculture, said fruit and vegetable farms and greenhouses hire foreign labour not to save money, but because they are the available workforce.

"It's not a cheap source of labour, it's a guaranteed source of labour."

The federation recently discussed lobbying the province to freeze minimum wages because of the state of the economy, he said. Farmers have to deal with last year's hike, plus the rising costs of fuel and utilities.

The ability to unionize farm workers may pose new financial challenges, he said.

"Agriculture is going to have to make some decisions," he said. "They may invest into some technologies that will eliminate some of those work positions. That may be one way they go."

But Witteveen said making fewer jobs available in agriculture isn't good for the economy, either.

He said agriculture is the second-largest employer in Ontario, behind the automotive sector.



Troup

"Why wouldn't Ontario workers or foreign workers say, 'Hey, there's things that need to be done and we would like to address them?'"

Stan Raper

Imposter busted at border after fingerprint check

NIAGARA FALLS, N.Y. – A fingerprint check led to the arrest of a woman at the Rainbow Bridge earlier this month.

Customs and Border Protection officers stopped a woman Nov. 15 after she crossed the Rainbow Bridge.

The motorist said she was a 33-year-old citizen of South Korea and was on her way to New Jersey to visit family and shop and handed over a valid Korean passport as identification.

At secondary inspection, however, agents entered the woman's information into the United States Visitor and Immigrant Status Indicator Technology computer system.

This resulted in a mismatch with the fingerprints on the Korean passport.

Further checks revealed the woman was actually the sister of the passport holder.

The 32-year-old woman is now in custody charged with making false statements and misuse of a passport.

"The US-VISIT program gives CBP

officers the ability to verify a traveller's true identity by comparing data including fingerprints with legitimate travel documents, including U.S. visas," said Joseph Wilson, Buffalo Port director.

Since the program began in 2004, the U.S. Department of Homeland Security has used biometric identifiers to prevent the use of fraudulent documents, protect visitors from identity theft, and stop thousands of criminals and immigration violators from entering the country.

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